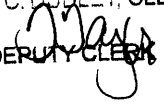


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAY 18 2011

JULIA C. DUDLEY, CLERK
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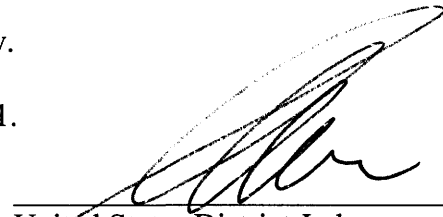
UNITED STATES OF AMERICA,)	
)	Case No. 5:95CR70074
)	
v.)	
)	MEMORANDUM OPINION
)	
GREGORY A. MILTON,)	By: Samuel G. Wilson
)	United States District Judge
Defendant.)	
)	

Defendant Gregory A. Milton, a federal inmate proceeding pro se, has filed a pleading that he styles as a "MOTION FOR EQUITABLE RELIEF BASED ON THE UNCONSTITUTIONALITY OF THE AEDPA SUCCESSIVE HABEAS PROVISIONS." Because Milton here raises legal challenges that he could have raised in his prior motions to vacate, set aside or correct the sentence under 28 U.S.C. § 2255, the court will construe his submission as a § 2255 motion that must be dismissed as successive.

Court records indicate that defendant previously filed § 2255 motions concerning this same conviction and sentence. See Milton v. United States, Case No. 7:00CV00031 (W.D. Va. Apr. 21, 2000); Milton v. United States, 7:06CV00023 (W.D. Va. Jan. 20, 2006). This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As the defendant offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, the court must dismiss his current motion without prejudice as successive and his other pending motions as moot.

A separate Final Order will be entered today.

ENTER: This 18th day of May, 2011.


United States District Judge